

## **213.7003**

(2) For other types of acquisitions, the procedures in Subpart 219.8, excluding the procedures in 219.804-2(2); or

(b) The procedures for award to the Small Business Administration in FAR Subpart 19.8.

### **213.7003 Purchase orders.**

#### **213.7003-1 Obtaining contractor acceptance and modifying purchase orders.**

The contracting officer need not obtain a contractor's written acceptance of a purchase order or modification of a purchase order for an acquisition under the 8(a) Program pursuant to 219.804-2(2).

#### **213.7003-2 Contract clauses.**

Use the clauses prescribed in 219.811-3 (1) and (3) for purchase orders under the 8(a) Program pursuant to the Memorandum of Understanding cited in 219.800.

## **PART 214—SEALED BIDDING**

### **Subpart 214.2—Solicitation of Bids**

Sec.

214.202 General rules for solicitation of bids.  
214.202-5 Descriptive literature.

#### **Subpart 214.4—Opening of Bids and Award of Contract**

214.404 Rejection of bids.

214.404-1 Cancellation of invitations after opening.

214.407 Mistakes in bids.

214.407-3 Other mistakes disclosed before award.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36326, July 31, 1991, unless otherwise noted.

### **Subpart 214.2—Solicitation of Bids**

#### **214.202 General rules for solicitation of bids.**

##### **214.202-5 Descriptive literature.**

(c) *Requirements of invitation for bids.* When brand name or equal purchase descriptions are used, use of the provision

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at FAR 52.211-6, Brand Name or Equal, satisfies this requirement.

[56 FR 36326, July 31, 1991, as amended at 63 FR 11528, Mar. 9, 1998; 64 FR 55633, Oct. 14, 1999; 69 FR 65090, Nov. 10, 2004]

### **Subpart 214.4—Opening of Bids and Award of Contract**

#### **214.404 Rejection of bids.**

##### **214.404-1 Cancellation of invitations after opening.**

The contracting officer shall make the written determinations required by FAR 14.404-1 (c) and (e).

##### **214.407 Mistakes in bids.**

##### **214.407-3 Other mistakes disclosed before award.**

(e) Authority for making a determination under FAR 14.407-3(a), (b) and (d) is delegated for the defense agencies, without power of redelegation, as follows:

(i) Defense Advanced Research Projects Agency: General Counsel, DARPA.

(ii) Defense Information Systems Agency: General Counsel, DISA.

(iii) Defense Intelligence Agency: Principal Assistant for Acquisition.

(iv) Defense Logistics Agency:

(A) General Counsel, DLA; and

(B) Associate General Counsel, DLA.

(v) National Imagery and Mapping Agency: General Counsel, NIMA.

(vi) Defense Threat Reduction Agency: General Counsel, DTRA.

(vii) National Security Agency: Director of Procurement, NSA.

(viii) Missile Defense Agency: General Counsel, MDA.

(ix) Defense Contract Management Agency: General Counsel, DCMA.

[57 FR 42629, Sept. 15, 1992, as amended at 59 FR 27669, May 27, 1994; 61 FR 50452, Sept. 26, 1996. Redesignated and amended at 62 FR 34122, June 24, 1997; 64 FR 51076, Sept. 21, 1999; 68 FR 7439, Feb. 14, 2003; 69 FR 65090, Nov. 10, 2004]

## **PART 215—CONTRACTING BY NEGOTIATION**

Sec.

215.000 Scope of part.

## Department of Defense

### Subpart 215.2—Solicitation and Receipt of Proposals and Information

- 215.204-1 Uniform contract format.
- 215.204-2 Part I—The Schedule.

### Subpart 215.3—Source Selection

- 215.303 Responsibilities.
- 215.304 Evaluation factors and significant subfactors.
- 215.305 Proposal evaluation.

### Subpart 215.4—Contract Pricing

- 215.403 Obtaining cost or pricing data.
- 215.403-1 Prohibition on obtaining cost or pricing data.
- 215.403-5 Instructions for submission of cost or pricing data or information other than cost or pricing data.
- 215.404 Proposal analysis.
- 215.404-1 Proposal analysis techniques.
- 215.404-2 Information to support proposal analysis.
- 215.404-3 Subcontract pricing considerations.
- 215.404-4 Profit.
- 215.404-70 DD Form 1547, Record of Weighted Guidelines Method Application.
- 215.404-71 Weighted guidelines method.
- 215.404-71-1 General.
- 215.404-71-2 Performance risk.
- 215.404-71-3 Contract type risk and working capital adjustment.
- 215.404-71-4 Facilities capital employed.
- 215.404-71-5 Cost efficiency factor.
- 215.404-72 Modified weighted guidelines method for nonprofit organizations other than FFRDCs.
- 215.404-73 Alternate structure approaches.
- 215.404-74 Fee requirements for cost-plus-award-fee contracts.
- 215.404-75 Fee requirements for FFRDCs.
- 215.404-76 Reporting profit and fee statistics.
- 215.406-1 Prenegotiation objectives.
- 215.406-3 Documenting the negotiation.
- 215.407-2 Make-or-buy programs.
- 215.407-3 Forward pricing rate agreements.
- 215.407-4 Should-cost review.
- 215.407-5 Estimating systems.
- 215.407-5-70 Disclosure, maintenance, and review requirements.
- 215.408 Solicitation provisions and contract clauses.
- 215.470 Estimated data prices.

AUTHORITY: 41 U.S.C. 421 and 48 CFR Chapter 1.

SOURCE: 63 FR 55040, Oct. 14, 1998, unless otherwise noted.

### 215.000 Scope of part.

See 225.872 for additional guidance on procedures for purchasing from qualifying countries.

## 215.303

### Subpart 215.2—Solicitation and Receipt of Proposals and Information

#### 215.204-1 Uniform contract format.

Structure awards valued above the micro-purchase threshold (*e.g.*, contract line items, delivery schedule, and invoice instructions) in a manner that will minimize the generation of invoices valued at or below the micro-purchase threshold.

[65 FR 46626, July 31, 2000]

#### 215.204-2 Part I—The Schedule.

(g) When a contract contains both fixed-priced and cost-reimbursement line items or subline items, the contracting officer shall provide, in Section B, Supplies or Services and Prices/Costs, an identification of contract type specified for each contract line item or subline item to facilitate appropriate payment.

### Subpart 215.3—Source Selection

#### 215.303 Responsibilities.

(b)(2) For high-dollar value and other acquisitions, as prescribed by agency procedures, the source selection authority (SSA) shall approve a source selection plan (SSP) before the solicitation is issued. The SSP—

(A) Shall be prepared and maintained by a person designated by the SSA or as prescribed by agency procedures;

(B) Shall be coordinated with the contracting officer and senior advisory group, if any, within the source selection organization; and

(C) Shall include, as a minimum—

(1) The organization, membership, and responsibilities of the source selection team;

(2) A statement of the proposed evaluation factors and any significant subfactors and their relative importance;

(3) A description of the evaluation process, including specific procedures and techniques to be used in evaluating proposals; and

(4) A schedule of significant events in the source selection process, including documentation of the source selection decision and announcement of the source selection decision.